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Attorneys for Defendants  
CLARE E. CONNORS and  
AL CUMMINGS, in their official capacities

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

ANDREW TETER and  
JAMES GRELL,  
  
Plaintiffs,

v.

CLARE E. CONNORS, in her  
Official Capacity as the Attorney  
General of the State of Hawaii, and  
AL CUMMINGS, in his Official  
Capacity as the State Sheriff Division  
Administrator,

Defendants.

Civil No. CV19-00183-ACK-WRP

DEFENDANTS CLARE E. CONNORS  
AND AL CUMMINGS', IN THEIR  
OFFICIAL CAPACITIES,  
SCHEDULING CONFERENCE  
STATEMENT; CERTIFICATE OF  
SERVICE

Scheduling Conference:

Date: June 14, 2019

Time: 9:30 a.m.

Magistrate Judge Wes Reber Porter

Trial Date: None Set

DEFENDANTS CLARE E. CONNORS AND AL CUMMINGS', IN THEIR  
OFFICIAL CAPACITIES, SCHEDULING CONFERENCE STATEMENT

Defendants CLARE E. CONNORS, in her official capacity as the Attorney General of the State of Hawaii, and AL CUMMINGS, in his official capacity as the State Sheriff Division Administrator (hereinafter "Defendants"), by and through their attorneys Clare E. Connors, Attorney General, and Caron M. Inagaki and Ryan M. Akamine, Deputy Attorneys General, hereby submit their Scheduling Conference Statement pursuant to Rule 16 of the Federal Rules of Civil Procedure and Local Rule 16.2(b).

1. Short Statement of the Case

The Plaintiffs allege that Defendants, acting in their official capacity and responsibility to enforce Hawaii laws, violated their Second Amendment constitutional rights by preventing them from acquiring, possessing, carrying, and using butterfly knives. They seek an injunction preventing enforcement against them of the applicable Hawaii law, Hawaii Revised Statutes (HRS) § 134-53, pertaining to butterfly knives. They also allege the same Hawaii law is unconstitutional, and seek declaratory judgment that the Hawaii law violates the Second Amendment.

Defendants deny that HRS § 134-53 is unconstitutional and violative of the Second Amendment, and that Plaintiffs are entitled to the relief that they seek.

2. Jurisdiction and Venue

The Plaintiffs allege that the Court has original jurisdiction over Plaintiffs' claims pursuant to 28 U.S.C. §§ 1331, 1343, 2201, 2202 and 42 U.S.C. § 1983, and venue pursuant to 28 U.S.C. § 1391.

3. Jury Trial

The Plaintiffs have not demanded a jury trial pursuant to Federal Rules of Civil Procedure Rule 38.

4. Appropriateness, Extent and Timing of Disclosures

The Defendants will agree to abide by disclosures set by the court.

5. Discovery Completed, Discovery in Progress, Motions Pending

The Defendants are prepared to make their initial disclosures. Discovery has not begun. There are no motions pending.

6. Appropriateness of Special Procedures or Other Matters

The Defendants will agree to any special procedures set by the court.

7. Related Cases

The Defendants are aware of the following United States District Court, District of Hawaii cases:

A. *Livingston et al. v. Ballard, et al.*, CV19-00157 JMS-RT – The legal issues in the *Livingston* case are related only because they involve a Hawaii law and the Second Amendment. In *Livingston*, Plaintiffs seek to carry firearms in

public, and claim that Hawaii laws prevent them from doing so in violation of the Second Amendment. Plaintiffs seek a declaration that HRS § 134-9(a) is unconstitutional and an injunction against its enforcement.

B. *Roberts v. Ballard, et al.*, CV19-00125 HG-KSC – Like *Livingston*, the legal issues are not the same as in the present case. In *Roberts*, Plaintiff seeks to acquire, possess, carry, and use a Taser. He seeks a declaration that HRS § 134-16 is unconstitutional and an injunction against its enforcement. Plaintiff's attorneys are the same attorneys in the present *Teter* case.

C. *Roberts v. Connors, et al.*, CV19-00165 DKW-WRP – Similarly, the legal issues in this case are not the same as in the present case. In this *Roberts* case, Plaintiff seeks to apply for a concealed or unconcealed handgun permit. He is not a citizen of the United States, and seeks a declaration that HRS § 134-9(a), which only considers permit applications from United States citizens, is unconstitutional and that the citizenship requirement is unenforceable. Plaintiff and his attorneys are the same in the CV19-00125 HG-KSC case, above.

8. Additional Matters

The Defendants have no additional matters for the court at this time.

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Dated: Honolulu, Hawaii, June 6, 2019.

STATE OF HAWAII

CLARE E. CONNORS  
Attorney General of Hawaii

/s/ Ryan M. Akamine

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CARON M. INAGAKI  
RYAN M. AKAMINE  
Deputy Attorneys General

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